

EXHIBIT A

FILED
2020 JAN -7 AM 9:24
WHATCOM COUNTY
WASHINGTON
BY

IN THE SUPERIOR COURT OF WASHINGTON FOR WHATCOM COUNTY

ROCHELLE SYTSMA, an individual,

20 2 00038 37
Case No:

Plaintiff,

SUMMONS

vs.

PHILLIPS 66 COMPANY, a foreign profit
corporation, and PHILLIPS 66 PARTNERS
HOLDINGS LLC, a foreign limited liability
company,

DEBORRA E. GARRETT

Defendants.

SUMMONS
Page 1 of 3

SHEPHERD AND ALLEN
ATTORNEYS AT LAW
2011 YOUNG STREET, SUITE 202
BELLINGHAM, WASHINGTON 98225
TELEPHONE: (360) 733-3773 ♦ FAX: (360) 647-9060
www.saalawoffice.com

COPY

1 **TO DEFENDANTS:** A lawsuit has been started against you in the above-
2 entitled court by Plaintiff. Plaintiff's claims are stated in the written Complaint, a
3 copy of which is served upon you with this Summons.

4 In order to defend against this lawsuit, you must respond to the
5 Complaint by stating your defense in writing, and serve a copy upon the
6 undersigned attorney for the Plaintiffs within 20 days after the service of this
7 Summons, excluding the day of service, or within 60 days if served outside the
8 state of Washington, or a default judgment may be entered against you without
9 notice. A default judgment is one where the Plaintiff is entitled to what they ask
10 for because you have not responded. If you serve a Notice of Appearance on
11 the undersigned attorney, you are entitled to notice before a default judgment
12 may be entered.


13 You may demand that the Plaintiff file this lawsuit with the court. If you
14 do so, the demand must be in writing and must be served upon the Plaintiff.
15 Within 14 days after you serve the demand, the Plaintiff must file this lawsuit
16 with the court, or the service on you of this Summons and Complaint will be
17 void.

18 If you wish to seek the advice of an attorney in this matter, you should do
19 so promptly so that your written response, if any, may be served on time. This
20 Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
21 state of Washington.

22 ///
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24
25

1 DATED this 6th day of January 2020.

2 SHEPHERD and ALLEN

3 
4 _____
5 Douglas R. Shepherd, WSBA #9514
6 Kyle S. Mitchell, WSBA #47344
7 Heather C. Shepherd, WSBA #51127
8 Of Attorneys for Plaintiff
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SCANNED

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FILED
2020 JAN -7 AM 9:24

WHATCOM COUNTY
WASHINGTON

20-2-00038-37
CMP 3
Complaint
7391064



IN THE SUPERIOR COURT OF WASHINGTON FOR WHATCOM COUNTY

ROCHELLE SYTSMA, an individual,

Plaintiff,

vs.

PHILLIPS 66 COMPANY, a foreign profit
corporation, and PHILLIPS 66 PARTNERS
HOLDINGS LLC, a foreign limited liability
company,

Defendants.

Case No: 20 2 00038 37

**COMPLAINT FOR
PERSONAL INJURY**

COMPLAINT FOR
PERSONAL INJURY
Page 1 of 7

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ORIGINAL

1 COMES NOW the above-named plaintiff, through counsel, and for causes
2 of action against the above-named defendants, alleges as follows:

3 **I – PARTIES**

4 1.1 Plaintiff Rochelle Sytsma is a resident of Whatcom County,
5 Washington.

6 1.2 Defendant Phillips 66 Company is a foreign profit corporation with
7 its principal place of business believed to be the state of Texas, transacting
8 business in Whatcom County, Washington.

9 1.3 Defendant Phillips 66 Partners Holdings, LLC, is a foreign limited
10 liability company with its principal place of business believed to be the state of
11 Texas, transacting business in Whatcom County, Washington.

12 1.4 Defendants Phillips 66 Company and Phillips 66 Partners Holdings,
13 LLC, will collectively be referred to as "Phillips 66."

14 **II – VENUE/JURISDICTION**

15 2.1 Venue and jurisdiction in this action lie within Whatcom County,
16 Washington, pursuant to RCW 4.12.020 and RCW 4.12.025. The acid spill, which
17 is the subject of this litigation, occurred in Whatcom County, Washington.
18 Defendants Phillips 66 Company and Phillips 66 Partners Holdings, LLC, transact
19 business in Whatcom County, Washington.

20 **III – FACTS**

21 3.1 On or about February 10, 2017, at approximately 5:15 p.m. plaintiff
22 Sytsma was driving South on Lake Terrell Rd. in Whatcom County, Washington.

23 3.2 On or about February 10, 2017, at some time prior to 5:15 p.m. a
24 hydrofluoric acid and/or other chemical spill occurred at 3901 Unick Rd.,
25

1 Ferndale, Whatcom County, Washington, commonly known as the Phillips 66
2 Ferndale Refinery.

3 3.3 While she was driving south on Lake Terrell Road, approaching,
4 adjacent to and past Phillips 66 Ferndale Refinery, plaintiff Sytsma noticed a
5 strange odor, and saw a cloud of vapor.

6 3.4 Plaintiff Sytsma, inter alia, experienced a burning sensation in her
7 lungs, and suffered chemical burns on her skin and hair.

8 **IV – CAUSES OF ACTION**

9 4.1 Plaintiff realleges Paragraphs 1.1 through 3.4 of this Complaint for
10 Personal Injury.

11 **First Cause of Action – Negligence**

12 4.2 The Phillips 66 Ferndale Refinery processes crude oil to produce
13 fuel oil, gasoline and diesel.

14 4.3 Phillips 66 owed a duty to plaintiff Sytsma to conduct its activities
15 with reasonable care.

16 4.4 Phillips 66 breached its duty to plaintiff Sytsma by failing to
17 exercise ordinary care and due diligence in carrying out the activities and
18 allowing the circumstances that led to a February 10, 2017, hydrofluoric acid
19 and/or other chemical spill at the Phillips 66 Ferndale Refinery.

20 4.5 At all times mentioned herein, Phillips 66, through its negligence,
21 as herein alleged, ignored their responsibilities and unreasonably jeopardized the
22 health and well-being of plaintiff Sytsma.

23 *////*
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25

1 **Second Cause of Action – Strict Liability**

2 4.6 At all times material herein, Phillips 66 carried on abnormally
3 dangerous activities of maintaining, storing, controlling, producing and/or
4 otherwise using harmful chemicals, including but not limited to, hydrofluoric acid.

5 4.7 The injuries sustained by plaintiff Sytsma were the kind of harm the
6 risk of which makes the abnormally dangerous activities dangerous.

7 4.8 Phillips 66 is strictly liable for the harm caused to plaintiff Sytsma.

8 4.9 Phillips 66 is alleged to have violated state and/or federal statutes,
9 rules and/or regulations, including but not limited to: WAC 296-67-021(5), WAC
10 296-67-029(2)(b), WAC 296-67-037(4)(c), WAC 296-67-037(4)(d), WAC 296-803-
11 50025, and WAC 296-803-30005, which owe a duty to the public, including
12 plaintiff Sytsma.

13 **V – NEGLIGENCE OF OTHERS**

14 5.1 Plaintiff realleges Paragraphs 1.1 through 4.9 of this Complaint for
15 Personal Injury.

16 5.2 Plaintiff Sytsma is not aware of any other person or entity that has
17 caused injuries and/or damage to plaintiff Sytsma or who have contributed to the
18 negligence of Phillips 66 in this matter.

19 **VI – DAMAGES**

20 6.1 Plaintiff realleges Paragraphs 1.1 through 5.2 of this Complaint for
21 Personal Injury.

22 6.2 As a direct and proximate result of Phillips 66's negligence,
23 misconduct and/or recklessness, plaintiff Sytsma has sustained substantial and
24 permanent injuries, the exact extent of which are unknown, but which include
25 injuries to the body, which are permanent and disabling.

1 6.3 As a further direct and proximate result of Phillips 66's negligence,
2 misconduct and/or recklessness, plaintiff Sytsma has incurred, and will in the
3 future continue to incur, reasonable and necessary medical expenses, loss of
4 earnings and earning capacity, lost market services, and other economic
5 damages.

6 6.4 As a further direct and proximate result of Phillips 66's negligence,
7 misconduct and/or recklessness, plaintiff Sytsma has suffered and will in the
8 future, continue to suffer pain, mental anguish and suffering, and loss of
9 enjoyment of life, all to plaintiff Sytsma's damage in an amount now unknown,
10 but which will be proven at the time of trial.

11 **VII – PHYSICIAN-PATIENT PRIVILEGE**

12 7.1 Plaintiff hereby waives her physician-patient privilege **ONLY** to the
13 extent required by RCW 5.60.060. However, the waiver is conditioned and
14 limited as follows: (1) Plaintiff does not waive her constitutional right of privacy;
15 (2) Plaintiff does not authorize contact with any of Plaintiff's health care
16 providers except by judicial proceeding and as authorized by the Rules of Civil
17 Procedure; (3) Plaintiff does not authorize ex-parte contacts with any health care
18 providers of the Plaintiff; (4) Plaintiff does not waive any state or federal
19 constitutional or statutory rights to privacy regarding her medical records or
20 condition except as required by law to bring this case and except as expressly
21 provided for in writing; and (5) representatives of Defendants are specifically
22 instructed not to write letters to Plaintiff's health care providers advising them
23 that they may mail copies of records to Defendants or Defendants' counsel.

24 ////

VIII – PRAYER FOR RELIEF

WHEREFORE, plaintiff Sytsma prays for judgment against Phillips 66 as follows:

- A. For damages in an amount to be proven at the time of trial;
- B. For prejudgment interest on all economic damages, including reasonable medical expenses;
- C. For Plaintiff's costs, expenses and reasonable attorney fees incurred in bringing this action; and
- D. For such other relief as the Court finds just and proper.

DATED this 6th day of January 2020.

SHEPHERD and ALLEN



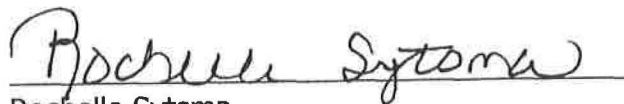
Douglas R. Shepherd, WSBA #9514
Heather C. Shepherd, WSBA #51127
Kyle S. Mitchell, WSBA #47344
Of Attorneys for Plaintiff

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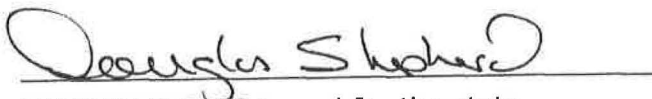
1 STATE OF WASHINGTON)
2) ss.
3 COUNTY OF WHATCOM)
4

5 Rochelle Sytsma, deposes and says:

6 I am the plaintiff herein. I have read the foregoing Complaint for Personal
7 Injury, know the contents thereof, and believe the same to be true.

8 
9 Rochelle Sytsma
10

11 SIGNED AND SWORN to before me this 6th day of January 2020, by
12 Rochelle Sytsma.

13
14 
15 NOTARY PUBLIC in and for the state
16 of Washington, residing at _____.
17 My notary commission expires _____.
18
19

